

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, JANUARY 24, 2005
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings, adopted on March 29, 2004, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

The City Council will meet in Closed Session immediately following the conclusion of the regular open session meeting on Monday, January 24, 2005, and may continue into Tuesday, January 25, 2005.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

**CS-1 *7-Eleven v. City of San Diego, et al.*
San Diego County Superior Court Case No. GIC 837831**

DCA: Silva

This case involves a complaint for damages and a challenge to the City's actions related to the determination whether San Diego Municipal Code section 141.0502(b)(2) applied to Plaintiff's business, located in Scripps Ranch. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on Plaintiffs' most recent offer to settle the case.

**CS-2 *Del Mar Union School District V. City of San Diego (AME)*
Riverside County Superior Court Case No. RIC 390648**

***Del Mar Union School District v. City of San Diego (Nexus)*
Riverside County Superior Court Case No. RIC 390673**

DCA: Silva

These cases involve petitions for writs of mandate based on the City's approval of substantial conformance review applications for two projects in the Torrey Hills community. In closed session, the City Attorney will update the City Council on the trial court's rulings in these cases and seek direction from the City Council.

**CS-3 *Gleason v. San Diego City Employees' Retirement System*
San Diego Superior Court Case No. GIC 803779**

DCA assigned: Morris

This matter involves litigation concerning the City's retirement system and the City's obligation to fund that system. Previously, a settlement was reached with the plaintiffs, the terms of which generally involve certain payments by the City to the system in each of Fiscal Years 2005, 2006, 2007 and 2008. In closed session, the City Attorney and the City's outside counsel will report to the City Council on the conduct of negotiations regarding the outcome of plaintiff's attorney's fees application.

**CS-4 *Border Business Park v. City of San Diego*
Appellate Case No. D039225; SDSC Case No. GIC 692794
Otay Acquisitions v. City of San Diego
SDSC Case No. GIC 753247
National Enterprises, Inc. v. City of San Diego
SDSC Case Nos. GIC 791407; GIC 805465**

ACA assigned: Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. The Border Business Park case has been referred to a mediation process in the appellate court. In closed session the City Attorney will report on the status of the mediation and request appropriate direction.

**CS-5 *Howard Jarvis Taxpayers Ass. v. City of San Diego*
San Diego Superior Court No. GIC 706260**

ACA Girard

This matter is litigation concerning Propositions E and F that appeared on the November 2002 ballot. The court of appeal affirmed the decision of the trial court that Proposition F was invalid in part, but also found that Proposition E was completely invalid. Upon remand the plaintiffs sought attorney's fees on the basis that the public benefited from the finding that Proposition F was partially invalid. The trial court agreed and ordered the City to pay \$82,600 in fees. In closed session the City Attorney will advise the City Council on the fee award and the potential for an appeal of that award.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-6 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee

Employee organizations: Municipal Employees Association, Local
127 AFSCME, AFL-CIO, Local 145
International Association of Firefighters
AFL-CIO, San Diego Police Officers
Association

HDCA assigned: Morris

In closed session, the City's negotiating team will review with the City Council the City's anticipated position with respect to the upcoming meet and confer process. Topics to be discussed include, but are not limited to: 1) salaries and wages, 2) health benefit plans, and 3) retirement benefits, including the recommendations from the Pension Reform Committee. The City Manager and staff will request instructions from the City Council as to those matters.